IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 20305 of 1994

Between:
A.Sree Ramulu S/o.A.Sudershanam
R/o.H.No.23-6-96 Haribowli
Hyderabad.

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation Rep.by its Vice-Chairman and Managing Director
Musheerabad Hyderabad.
2 The Dy.Chief Personnel Manager A.P.S.R.T.C
C/o.Regional Managers Office Nizamabad.
3 The Depot Manager A.P.S.R.T.C
Armoor Bus Depot Armoor
Nizamabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction to the respondents to pay the final retirement benefits due to the petitioner towards leave preparatory to Retirement, Provident Fund/Gratuity,Encashment of Leave, CDS and others along with interest @ 18% from 30-6-1987 till the amounts are paid and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case as otherwise the petitioner would be put to great hardship and irreparable loss.

For the Petitioner: MR.T.PANDURANGA CHARY - Not present

For the Respondents.: SC for APSRTC – Not present

The Court Made the Following :

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HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.20305 of 1994

ORAL ORDER:

This writ petition is filed to direct the respondents to pay final retirement benefits due to the petitioner towards leave preparatory to retirement, provident fund, gratuity, encashment of leave, etc.

The case of the petitioner is that he was initially appointed as Conductor in APSRTC in the year 1947 and his services were confirmed in the year 1949. Thereafter, he was promoted as Assistant Depot Clerk in the respondents-Corporation and retired as Traffic Inspector Grade-II on attaining the age of superannuation. The provisions contained in Nizam State Railway Establishment Code and the orders issued by the Government from time to time would govern the service conditions of the petitioner. Provisionally, certain amounts were paid to the petitioner. As per his calculation, an amount of Rs.15,000/- towards leave preparatory to retirement (benefit under Nizam State Railway Code), Rs.4000/- towards provident fund/gratuity, Rs.12,500/- towards encashment of leave and Rs.500/- towards Compulsory Deposit Scheme are due to him. He made representation on 21.4.1992 to the 3rd respondent for settlement of his final retirement benefits along with interest,

but no action has been taken. Hence, the writ petition.

The respondents filed counter affidavit stating that the petitioner was paid excess amount to a tune of Rs.771.20 but no amounts are due to the petitioner towards gratuity, which was paid to him for a period of 40 years which is the maximum permissible period. No amount is due to the petitioner towards Compulsory Deposit Scheme. As an amount of Rs.1,214/- was recovered from L.P.R. salary of the petitioner towards provident fund contribution, a matching equal amount of employer's contribution, totalling to Rs.2,428/- was sent to the Secretary, P.F. Trust. As soon as the amount is received from the Secretary, P.F. Trust, the same will be handed over to the petitioner. All other payments due i.e. Provident Fund, Gratuity and S.B.T. amounts were paid to the petitioner. Hence, the writ petition is liable to be dismissed.

None appeared. Perused the material available on record. There is no dispute about the factual aspect of the matter with regard to the service rendered by the writ petitioner in the respondents-corporation. He was retired from service with effect from 30.6.1987 on attaining the age of superannuation. According to the writ petitioner, he is entitled to Rs.1500/- towards leave preparatory to retirement. According to the contention of the respondents, the petitioner has got 181 days L.F.S.P. and 321 days of L.H.S.P and as per the rules, he is entitled to the encashment of 180 days of L.F.S.P and 321 days of

L.H.S.P. and one day of L.F.S.P. salary towards leave preparatory retirement benefit. Accordingly, the bills were prepared. An amount of Rs.24,971.17 was made ready. As the petitioner was not approaching the 3rd respondent, they sent the same to the petitioner by way of Demand Draft through Registered Post with acknowledgement due. It is also made clear that the petitioner is entitled to only Gratuity for a period of 40 years, which is the maximum permissible period. With regard to the Compulsory Deposit scheme, there is no such scheme available and it is made clear by the respondents that no amount is due to the petitioner under such scheme and all other payments due to the petitioner were paid to him.

The petitioner has not made out any *prima facie* case that he is entitled to any amount. Except the averments made by the petitioner in the affidavit, there is no other supporting evidence or documents to show that he is entitled to receive any amount. Therefore, the writ petition is totally devoid of merit.

Accordingly, the writ petition is dismissed. In the circumstances of the case, there shall be no orders as to costs.

ASSISTANT REGISTRAR

/TRUE COPY/

SECTION OFFICER

25th June, 2004
bcj/mvb

To

1. The Vice-Chairman and Managing Director,
A.P.S.R.T.C, Musheerabad Hyderabad
2 The Dy.Chief Personnel Manager A.P.S.R.T.C
C/o.Regional Managers Office Nizamabad.
3 The Depot Manager A.P.S.R.T.C
Armoor Bus Depot Armoor
Nizamabad District
4. Two C.D. copies